S.B. CIVIL WRIT PETITION NO.2722/2007.

Ghasi alias Ghisya
Vs.
Additional District Judge (Fast Track)
Sawai Madhopur and ors.

Date of Order :- 16/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri P.S. Sharma for the petitioner.
Shri S.S. Hasan for respondent No.3.

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Heard learned counsel for the parties.

The petitioner-defendant has filed an application before the trial court on 15/7/2006 with the prayer that thumb impression of defendant No.2 Smt.Ram Pyari may be sent for expert examination. It was also argued that the said defendant Smt.Ram Pyari had at the first instance when she filed written-statement having her thumb impression did not deny such thumb impression but at the same second instance, she had a change of mind and denied the thumb impression and even also

denied her thumb impression giving Vakalatnama authorizing counsel who was appearing on her behalf.

Learned trial court by a detailed, reasoned and speaking order dismissed the application filed by the petitioner holding that such application is intended to delay the proceedings and in my view rightly so, because what would be the effect and implication of the change of statement of Smt.Ram Pyari would be seen by the trial court regardless of the fact whether thumb impression is subjected to expert examination or not. The learned trial court has not committed any error in rejecting the application filed by the petitioner warranting any interference of this Court.

The writ petition is accordingly dismissed being devoid of any merit and substance.

(MOHAMMAD RAFIQ), J.

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